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FEB 13 2006

OFFICE OF PETITIONS

In re Application of Zaret et al.
Application No. 09/881,411
Filing Date: June 14, 2001
Attorney Docket No. 116210-005

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Decision on Petition

This is a decision on the petition filed September 8, 2005, which is being treated as a petition under 37 CFR 1.183 to waive the need for the signatures of all the inventors on 37 CFR 1.131 declarations.¹

The petition is **dismissed**.

37 CFR 1.131(a) states,

When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.

The Office has stated the signature requirements of 37 CFR 1.131 can be waived in certain circumstances. For example, the Office may accept an affidavit or declaration signed by fewer than all the inventors upon a showing that equity warrants the relief requested.

Petitioner has failed to demonstrate that Pat O'Donnell has refused to sign the declaration or cannot be found. Therefore, the petition will not be granted.

The petition states a copy of the declaration was given to David Schomberg to forward to O'Donnell. However, a statement by Schomberg verifying O'Donnell was supplied with a copy of the declaration has not been supplied. If Schomberg is unaware of a current address for O'Donnell, then petitioner must make diligent efforts to locate the inventor.

An internet search indicates that Pat O'Donnell may reside at 9311 S 78th Ct, Oak Lawn, IL 60457 or 9837 Mayfield Ave, Oak Lawn, IL 60453. The Office supplies this information as a courtesy and hopes the information assists petitioner in locating the inventor. The Office has not

¹ Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. The instant petition is properly treated under 37 CFR 1.183.

verified that the information is correct nor does the information, if inaccurate, release petitioner from the obligation to exercise diligent effort to find O'Donnell.

The \$400 petition fee has been charged to petitioner's deposit account.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.183." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

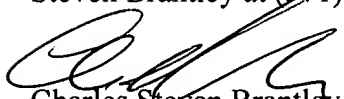
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.


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